

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

In re: PHARMACEUTICAL INDUSTRY	:	SUBPOENA IN A CIVIL
CASE	:	
AVERAGE WHOLESALE PRICE	:	MDL NO. 1456
LITIGATION	:	
	:	Civil Action No. 01-12257-
PBS	:	
	:	
	:	Judge Patti B. Saris
	:	(case pending in D. Mass.)
THIS DOCUMENT RELATES TO THE	:	
CONSOLIDATED CLASS ACTION	:	

**NON-PARTY NATIONAL HERITAGE INSURANCE COMPANY'S CROSS-  
MOTION TO QUASH SUBPOENAS**

On October 27 and 28, 2005, this Court issued two subpoenas on non-party National Heritage Insurance Company, Inc. ("NHIC"), which is not a party to this litigation, ordering the production of documents and witnesses. As set forth in the accompanying memorandum of law, the subpoena for production of documents imposes an undue burden on NHIC. In addition, Defendants have made no showing that the value of the information sought outweighs the burden imposed on NHIC. For these reasons, NHIC respectfully moves to quash Defendants' subpoenas pursuant to Fed. R. Civ. P. 45(c).

Dated: March 17, 2006, Hartford, Connecticut.

**NON-PARTY  
NATIONAL HERITAGE INSURANCE  
COMPANY**

By: /s/ Benjamin M. Wattenmaker  
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**LOCAL RULE 7.1(A)(2) AND 37.1 CERTIFICATION**

Pursuant to Local Rules 7.1(A)(2) and 37.1, the undersigned counsel hereby certifies that counsel for NHIC conferred with counsel for Defendants in an attempt to narrow the areas of disagreement. The parties were unable to resolve the instant dispute.

/s/ Benjamin M. Wattenmaker

Benjamin M. Wattenmaker MA Juris No.:

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Appearance of Non-Party National Heritage Insurance Company has been sent via electronic transmission on this 17th day of March 2006, or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.

/s/ Benjamin M. Wattenmaker

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